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JOSEPH S TRIPOLI
PATENT OPERATIONS GE AND RCA
LICENSING MANAGEMENT OPERATION INC
PO BOX 5312
PRINCETON, NJ 085435312

EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 04/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/190,309

Applicant(s)

SCHNEIDEWEND ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 17 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14, 17 and 25-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 25-29 are objected to under 37 CFR 1.75(c) to because of the following informalities:

Referring to claims 25-29, reference is made to "said second time clock", but there is no support for a second time clock previously in the claim, such lack of antecedence in improper. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14, 17 and 29-31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shiimoto et al. (U.S. Patent No. 5,917,873).

Regarding claim 14, Shiimoto discloses a selection means for selecting a desired program produced by a broadcast source (see element 5 in Figure 1 and Column 4, Lines 12-13).

Shiimoto also discloses means for tuning to receive packetized program information containing a desired program (see "tuner circuit" at Column 5, Lines 2-4).

Shiomoto also discloses a processor for initiating scheduled processing of a desired program in response to a user selection made via EPG (see controller 7 at Column 6, Lines 11-21). The examiner notes that a user selection is made using the remote commander 5 so that the user can directly input a desired command to a controller (processor) 7. The user can initiate scheduled processing of a program such as displaying an OSD (schedule of programming) or an EPG (Column 6, Lines 21-23) that can display information pertaining to the programming (see Column 6, Lines 15-21), which is accomplished by selecting a "guide" button on the remote commander 5 (see Column 6, Lines 57-59). The examiner also notes that the MPEG video decoder 12 is controlled by the clock in the PLL circuit (see Column 11, Lines 3-7), and that the PLL circuit is used to determine a derived clock time based on the PCR time stamp sent from the broadcast stream (see Column 2, Lines 12-16).

Shiomoto also discloses that the processor initiates scheduled processing using a time clock adaptively derived from a current time reference indication produced by a particular broadcast source associated with a desired program (see Column 10, Lines 65-67 and Column 11, Lines 1-7). The examiner notes that the bit stream that contains the audio and video data contains a PCR time reference, and is transmitted to a user (Column 10, Lines 57-58 and Lines 65-66). This PCR value is used to set the STC (system time clock) by extracting the PCR value from the bit stream using a PLL circuit (Column 10, Lines 66-67 and Column 11, Lines 1-3). This is used to operate the demultiplexer 10, MPEG video decoder 12, the MPEG audio decoder 13, and analog

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video encoder 17 (Column 11, Lines 3-7), which are all used to initiate scheduled processing of a program.

Shiomoto also discloses displaying a second time clock different to the derived time clock (see Column 6, Lines 42-48). The examiner notes that a current time is displayed in the banner when a channel is changed, which is different from the derived time clock used to perform processing functions as described above.

Referring to claim 17, Shiomoto discloses that the second time clock ("current time" disclosed at Column 8, Lines 55-57) is sent from a single source (see signal being sent from a satellite at Column 4, Lines 61-64).

Claim 29 directly relates to claim 14, with the additional limitation of the second time clock being received in a dedicated program guide channel. Shiomoto transmits current time information over satellite in a dedicated program guide channel (see Figure 10 of Shiomoto and Column 8, Lines 52-61). Shiomoto discloses a current time field in the guide data disclosed in Figure 10.

Referring to claim 30, see rejection of claim 29.

Claim 31 corresponds to claim 29, with the additional limitation of displaying the second time clock on a user's EPG. See Column 6, Lines 42-48 for a detail banner displayed when a channel is changed that displays the current time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimoto et al. (U.S. Patent No. 5,917,873) in view of Youngberg (U.S. Patent No. 5,805,530).

Shiimoto discloses a selection means for selecting a desired program produced by a broadcast source (see element 5 in Figure 1 and Column 4, Lines 12-13).

Shiimoto also discloses means for tuning to receive packetized program information containing a desired program (see "tuner circuit" at Column 5, Lines 2-4).

Shiimoto also discloses a processor for initiating scheduled processing of a desired program in response to a user selection made via EPG (see controller 7 at Column 6, Lines 11-21). The examiner notes that a user selection is made using the remote commander 5 so that the user can directly input a desired command to a controller (processor) 7. The user can initiate scheduled processing of a program such as displaying an OSD (schedule of programming) or an EPG (Column 6, Lines 21-23) that can display information pertaining to the programming (see Column 6, Lines 15-21), which is accomplished by selecting a "guide" button on the remote commander 5 (see Column 6, Lines 57-59). The examiner also notes that the MPEG video decoder 12 is controlled by the clock in the PLL circuit (see Column 11, Lines 3-7), and that the PLL circuit is used to determine a derived clock time based on the PCR time stamp sent from the broadcast stream (see Column 2, Lines 12-16).

Shiimoto also discloses that the processor initiates scheduled processing using a time clock adaptively derived from a current time reference indication produced by a

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particular broadcast source associated with a desired program (see Column 10, Lines 65-67 and Column 11, Lines 1-7). The examiner notes that the bit stream that contains the audio and video data contains a PCR time reference, and is transmitted to a user (Column 10, Lines 57-58 and Lines 65-66). This PCR value is used to set the STC (system time clock) by extracting the PCR value from the bit stream using a PLL circuit (Column 10, Lines 66-67 and Column 11, Lines 1-3). This is used to operate the demultiplexer 10, MPEG video decoder 12, the MPEG audio decoder 13, and analog video encoder 17 (Column 11, Lines 3-7), which are all used to initiate scheduled processing of a program.

Shiomoto also discloses displaying a second time clock different to the derived time clock (see Column 6, Lines 42-48). The examiner notes that a current time is displayed in the banner when a channel is changed, which is different from the derived time clock used to perform processing functions as described above.

Shiomoto fails to teach the additional limitation of the second time clock being a filtered time clock to prevent a user from seeing an abrupt time change discontinuity.

Youngberg teaches a device for automatically setting of clocks. Youngberg discloses a second time clock (master time clock), which is different from the derived time clock from the PCR source (see master time clock in Figure 2). This master clock is used to display time of day on various types of appliances, such as a television receiver (Column 1, Lines 14-18). Youngberg continues to teach that the second time clock can be adjusted (filtered) by automatically updating it's own internal clock registers by re-synchronizing to an external signal on a periodic basis (Column 4, Lines 28-31).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the second clock (current time) displayed on the EPG (see again Column 6, Lines 42-48), as taught by Shiimoto, using the master clock source (GPS for example, see Column 4, Line 4), as taught by Youngberg, for the purpose of automatically updating a time clock for a user to a correct time after an event such as, but not limited to, a power outage (see Column 4, Lines 23-25 of Youngberg).

Claim 26 directly relates to claim 25, with the additional limitation of the second time clock being updated during periods when the second time clock is not displayed to prevent a user from seeing an abrupt time change discontinuity. Youngberg discloses that once the master clock has been set by the external reference source, it is sent to the television receiver (slave clock), therefore it is inherent that the newly updated second time clock will not be displayed until the process is complete (see Column 4, Lines 40-46).

Referring to claim 27-28, see rejection of claim 25-26.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

April 7, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600